

Senate Bill No. 765

Passed the Senate August 29, 2005

Secretary of the Senate

Passed the Assembly August 18, 2005

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 18554 of the Health and Safety Code, relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 765, Dunn. Mobilehome parks.

(1) Existing law, the Mobilehome Parks Act, makes it unlawful to permit any wastewater or material from a plumbing fixture in a manufactured home, mobilehome, or recreational vehicle to be deposited upon the surface of the ground and authorizes the Department of Housing and Community Development to adopt rules and regulations to carry out the purposes of this provision. Existing law makes it a misdemeanor to willfully violate a provision of the Mobilehome Parks Act.

This bill would include a plumbing fixture in a permanent building located within a mobilehome park within the scope of the prohibition described above and would revise the scope of the prohibition to include sewage or waste material from any mobilehome park sewage or waste disposal system, thereby creating a new crime and imposing a state-mandated local program. The bill would authorize the department or a city, county, or city and county that assumes responsibility for the enforcement of the Mobilehome Parks Act to order either the removal or sanitation, or both, of any wastewater or sewage or waste material from any mobilehome park sewage or waste disposal system or from plumbing fixtures deposited on the surface of the ground, or require the removal, sanitation, or both in a manner consistent with the requirements of, and subject to approval by, the local environmental health agency.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 18554 of the Health and Safety Code is amended to read:

18554. (a) It is unlawful to permit any wastewater or sewage or waste material from any mobilehome park sewage or waste disposal system or from any plumbing fixtures in a manufactured home, mobilehome, recreational vehicle, or permanent building to be deposited upon the surface of the ground. The enforcement agency may either order the removal or sanitation, or both, of any wastewater or sewage or waste material from any mobilehome park sewage or waste disposal system or from plumbing fixtures deposited upon the surface of the ground, or may require either the removal, sanitation, or both, in a manner consistent with the requirements of, and subject to approval by, the local environmental health agency.

(b) If wastewater, sewage, or waste material is deposited on the ground as the result of leaks from plumbing fixtures on a manufactured home, mobilehome, or recreational vehicle, or leaks from plumbing on the space or lot that connect the home or recreational vehicle to the park's sewer, septic, or drain system, the homeowner is responsible for complying with an order or correction of a citation issued by the enforcement agency pursuant to this section. If the homeowner fails to comply with the order or correction imposed by the enforcement agency and the enforcement agency requires the park management to comply with an order or correction related to leaks that are determined by the enforcement agency to be the fault of the homeowner, the homeowner is liable for the costs incurred by the park management to comply with the order or correction.

(c) Except as provided in Section 18930, the department may adopt any rules and regulations that it determines are reasonably necessary for the protection of life and property and to carry out the purposes of this section.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section

17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Approved _____, 2005

Governor